

*"Shaping  
a more livable  
High Point"*

DEPARTMENT OF PLANNING AND DEVELOPMENT  
DEVELOPMENT SERVICES DIVISION  
CITY OF HIGH POINT  
NORTH CAROLINA

Staff Use Only  
Filing Date: \_\_\_\_\_  
Case No.: \_\_\_\_\_  
Payment: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_

**BOARD OF ADJUSTMENT VARIANCE APPLICATION**

**A. Address Information (fill in applicable information)**

**Applicant:**

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Street Address, City, State, Zip Code*

\_\_\_\_\_  
*Phone Number*

**Owner:**

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Street Address, City, State, Zip Code*

\_\_\_\_\_  
*Phone Number*

**Representative:**

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Street Address, City, State, Zip Code*

\_\_\_\_\_  
*Phone Number*

**B. Location of Subject Property (for which the request is made)**

Address: \_\_\_\_\_

Tax Map: \_\_\_\_\_

Block: \_\_\_\_\_

Lot: \_\_\_\_\_

Description: \_\_\_\_\_

**C. Zoning and Property Use Information**

Zoning District: \_\_\_\_\_

Existing Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

**D. Required Information**

A scaled site plan and/or survey indicating the proposed variance, all property lines and dimensions, and all structures, must be submitted with the application. Any such site plan and/or survey shall meet the Map Standards set forth in Appendix 2 of the Development Ordinance.

E. Variance from the Strict Application of Specific Provisions of the Development Ordinance

TO THE CITY OF HIGH POINT BOARD OF ADJUSTMENT:

I, \_\_\_\_\_, hereby petition the Board of Adjustment for a variance from the literal provisions of the High Point Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land indicated on this application in a manner shown by the site plan attached to this application. I request a variance from the following provision(s) of the Ordinance: \_\_\_\_\_

Amount of relief requested: \_\_\_\_\_ Feet \_\_\_\_\_ Inches

In order to allow: \_\_\_\_\_

F. Required Findings of Fact

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under state law, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance:

- 1) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance;
- 2) that the variance is in harmony with the general purpose and intent of the Ordinance; and
- 3) that in granting the variance the public safety and welfare have been assured and substantial justice has been done.

1) <u>What are the practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance?</u> Answer the question in the space provided below or on a separate sheet of paper. As a guide in addressing this question, the courts have developed three rules to determine whether “practical difficulties or unnecessary hardships” exist:
a) that, if the property owner complies with the Ordinance, the owner can secure no reasonable return from, or make no reasonable use of the subject property. It is not sufficient that failure to grant the variance simply makes the property less valuable.
b) that the hardship of which the applicant complains results from unique circumstances related to the applicant's land. Hardships suffered by the applicant in common with his/her neighbors does not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land, not the property owner.
c) that the hardship is not the result of the applicant's own actions.

2) In what manner is the variance in harmony with the general purpose and intent of the Ordinance and how does it preserve its spirit? State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the Ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.

3) In what manner would the granting of the variance assure the public safety and welfare and does it result in substantial justice? State facts and arguments to show that if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.

#### **G. Duration**

Construction or operation shall be commenced within one (1) year of the date of issuance of a variance or it shall become void. All approvals are subject to the applicant obtaining the appropriate permits prior to construction.

#### **H. Transcript Notice**

As a practice, the city does not provide verbatim transcript of the Board of Adjustment hearing proceedings. If a transcript is requested, the production of said transcript shall be at the expense of the applicant, owner, or representative and not of the City of High Point. Signature on this application acknowledges notification of this practice.

**CERTIFICATION**

I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief.

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*Applicant's Signature*

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*Date*

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*Owner's Signature*

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*Date*

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*Owner's Signature*

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*Date*

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*Representative's Signature*

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*Date*